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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Chadian Human Rights League (LTDH), remain deeply concerned at the persistence and deterioration of a situation of serious, large-scale and systematic violations of human rights in Chad.

Context

2. Concerned at the general situation of human rights in Chad, but encouraged by the imminent completion of the transition to a democracy, the Commission on Human Rights decided at its fifty-second session to grant the Chadian authorities a grace period according to concurring sources. The Chadian authorities were to use that grace period to take concrete steps to end the human rights violations and pursue the electoral process.

3. As 1996 draws to a close, it is clear that, far from having improved, the situation is one of serious, large-scale and systematic violations of human rights and that these violations are a basic component of the Chadian

regime. There are three principal features to the general situation in Chad: clannism, impunity and insecurity. The members of President Déby's clan (the Zaghawas) have monopolized all the posts of responsibility in the administration and army. Their monopolization of power, together with the complete impunity enjoyed by these men, is aggravating the civilian population's perception of the Government and the inter-ethnic tensions throughout the country. The failure of the Franceville round table and the Government's authoritarian and clannish practices ruled out any possibility of national reconciliation for the time being. The civilian population lives in constant insecurity, caught between the harassment of both the armed opposition forces and the security forces. Furthermore, the Chadian Government has taken no concrete measures to improve the situation of economic, social and cultural rights. Young people continue to be unemployed, there is still flagrant discrimination in access to education and primary education is neither mandatory nor free.

Human rights situation

4. Violations of civil and political liberties. Freedom of assembly and freedom of association continue to be flouted in Chad. Human rights associations are constantly being threatened, intimidated and subjected to violations of their physical integrity, which prevents them from freely performing their jobs. More seriously, they were threatened with suspension by the Minister of the Interior following the first round of the presidential elections, for "taking highly political stances".

5. The elections organized during this year (presidential elections on 2 June and 3 July, legislative elections on 6 January and 23 February 1997) were prepared and conducted in violation of the right to free elections. The civic information campaigns planned by the human rights associations were prohibited. During the presidential elections, the polling stations were often staffed by members of the party in power, and some members of the opposition were arbitrarily arrested. The elections as a whole were heavily manipulated to the benefit of Colonel Déby, who was elected in the second round with 68.32 per cent of the votes. These violations are an affront to the Chadian people, and unacceptable.

6. The right to a fair trial is still non-existent in Chad. The judicial system is unable to enforce the legal order, for three main reasons. First, it has very few material means available. Next, the people who pass through that system lack all confidence in its decisions. Finally, and above all, the system is not independent. The authorities systematically intervene, either to obtain impunity for someone close to the Government, or to have an opposition member convicted.

7. Violations of the right to life and physical integrity. The Chadian people are living in permanent insecurity that hampers their freedom of movement. Chadians not only fear encountering highwaymen on the open roads, but official road blocks placed at the town exits to exact ransoms in cash or in kind. The continuing civil war frequently forces civilian populations to leave their regions of origin to escape the fighting, occasionally at the order of the authorities.

8. Despite the existence of a legal framework regulating conditions for arrest and police custody, arbitrary arrests and detentions continue to be routinely practised. They occur in three types of situations: business disputes or thefts, operations against the rebel forces and the opposition and in the context of presidential elections. They are, in addition, often accompanied by cruel, inhuman or degrading treatment.

9. Torture and cruel, inhuman or degrading treatment continue to be practised on a flagrant and large-scale basis and with complete impunity. Human rights associations accuse various members of the public authorities, and to a lesser extent, the rebel armed forces. These acts of torture take several forms: beatings with sticks, mock executions, introduction of water into the nostrils, hammering of nails into the head, and the <u>artabachar</u> (torture consisting of tying the victim's arms and legs behind him, causing severe pain).

10. There has been an alarming upsurge of rapes in recent months. Rape, which is comparable to an act of torture, is practised by both the rebel forces and the governmental forces in an effort to intimidate, humiliate and dominate. Those responsible for this human rights violation take no account of their victims' age. Thus a girl of 13 was raped in Kélo, Tanjilé prefecture, on 4 September 1996. The desire to humiliate is always carried to the extreme. Rapists have been known to force their victims' husbands to perform the same acts, in public. These acts have terrible physical, psychological and social consequences for the victims and those close to them.

11. Extrajudicial summary executions became even more extensive in 1996, a damning situation for the Chadian authorities. In a telegram dated 14 November 1996, the Specialized Units Command issued orders for no proceedings whatsoever to be taken against thieves. "On catching a thief in the act, proceed immediately to physically eliminate him." When explanations were demanded by human rights associations, the Head of State and his Prime Minister openly acknowledged giving firm instructions for thieves to be summarily executed, on the ground that "the justice system is powerless and corrupt". The consequences have been tragic. Extrajudicial executions have continually increased since then. The security forces operate in the market places or after nightfall. They arrest one or more suspects and proceed to eliminate them immediately. Thus, on 30 January 1997, Adam Godi, accused of stealing a carpet, was bound and thrown into the Chari river with two cell-mates. He miraculously survived. On other occasions, such executions are orchestrated by representatives of the political, administrative and judicial authorities. On 24 December 1996 in Fiaga, Myo Kebbi sub-prefecture, nine criminals were brought before the sub-prefecture authorities and the public. The justice of the peace read out articles 161, 162 and 163 of the Penal Code, after which the detainees were executed in public and their bodies left out until nightfall.

<u>Conclusion</u>

12. Serious, gross and systematic human rights violations are taking place in Chad, and the Chadian authorities at the highest level are responsible on more than one account. They have not taken the concrete measures needed for any substantial improvement in the situation. What is more, they have forced

Chad backwards towards more and more arbitrariness and barbarity, disregarding their commitments towards the Chadian population and the international community.

13. FIDH and its affiliate, LTDH, consider that this tragic situation makes it urgent for the international community to react to put an end to these gross and large-scale violations of human rights. They call on the Commission to initiate a public procedure in conformity with its commitment of last year, and to appoint a special rapporteur on the situation of human rights in Chad, to report to it at its fifty-fourth session.